REMARKS

This is in response to the Office Action of April 27, 2004. This response is accompanied by a Request for Continued Examination and a Petition and fee for a 3-month Extension of Time.

In the Office Action, Claims 27-30 and 34 were rejected under 35 USC 103 as being obvious in view of U.S. Patent No. 5,269,946 to Goldhaber et al. in view of U.S. Patent No. 6,566,046 to Lin et al. Specifically, it is the position of the Patent Office that although Goldhaber et al. do not explicitly teach that "the auxiliary container holding a platelet additive solution for conditioning the platelet concentrate for pathogen inactivation," Lin et al. teach a synthetic platelet storage additive solution and, therefore, it would have been obvious for one of ordinary skill in the art "to select a platelet additive solution taught by Lin et al. for use in the container system of Goldhaber et al."

By this Amendment, Applicants have amended independent Claim 27 to recite a manual closed blood collection system comprising, among other things, a synthetic platelet solution carried with an auxiliary container in an amount at least sufficient for mixing with the platelet concentrate in a first volume of plasma to achieve a predetermined ratio of additive solution and plasma and provide a platelet concentrate mixture

conditioned for a pathogen inactivation treatment. Applicants respectfully submit that, as amended, Claim 27 would not have been obvious in view of the art cited by the Examiner.

As described in the specification (page 9, line 26-page 10, line 3), it is desirable that the additive solution be combined with a residual plasma to achieve a ratio that optimizes the effectiveness of the pathogen inactivation process. Thus, the application describes a ratio of 50-80% by volume of additive solution, with the remainder being plasma, and preferred ratios of 60-70% by volume of the additive solution with the most preferred ratio of 65% additive solution and 35% plasma by volume. Accordingly, for most effective conditioning of the platelets for optimal pathogen inactivation, it is important that the system contain at least a sufficient amount of the platelet additive solution to achieve the desired ratio of the platelet additive solution.

Not only does Goldhaber et al. not disclose an auxiliary container including a platelet additive solution, it says absolutely nothing about including an amount of the platelet additive solution that is at least sufficient to achieve the desired ratio of additive solution to plasma to condition the platelet mixture for pathogen inactivation. Indeed, as previously recognized, Goldhaber et al. says nothing at all about pathogen inactivation. Although Goldhaber et al. disclose

collecting a platelet concentrate, it is much more concerned with separating, collecting and storing the red blood cell component of the donated blood.

Thus, Applicants respectfully submit that one of ordinary skill in the art, with knowledge of Goldhaber et al., one would not have been motivated to make the combination of the Goldhaber et al. system with the storage additive solution of Lin et al. Applicants respectfully submit that the proposed combination could only have been arrived at by hindsight.

For these reasons, Applicants respectfully submit that the claims would not have been obvious in view of the combination of Goldhaber et al. with the Lin et al. patent.

Applicants also take this opportunity to call the Examiner's attention to pending U.S. Patent Application Serial No. 10/004,696, also filed on December 5, 2001, in the names of some of the present inventors and also assigned to the present assignee. The application is located in Art Unit 1651 and is before Examiner Sandra Saucier.

Reconsideration and allowance of the pending Claims 27-30 and 34 are respectfully requested.

Respectfully submitted,

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